

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD MONDAY, AUGUST 16, 2021**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Monday, August 16, 2021. We have in attendance with us the following city officials: Mayor Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, Justin Richard, Chief Counsel, Bill Bartos, Chief Engineer, Jason Popiel and Economic Development Director, Dave Maley. Under #5 on the agenda is where the public can speak on any item that appears on tonight's agenda and under #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I'd like to ask any of you that if you're not speaking to please mute yourself so that we can hold all the background noise to a minimum. Thank you.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Jill Creamer, Mike Gregg, Ted Herncane, Ed Lewis, Linda Litman, Mark Lombardi, Jamie Slutz, Megan Starrett and Jim Thieret.

Roll call of 9 present

2. INVOCATION

COUNCILMAN JAMIE SLUTZ

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILMAN SLUTZ

COUNCIL PRESIDENT ISTNICK – Thank you, Councilman Slutz.

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Madam Clerk are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – Yes, they are.

COUNCIL PRESIDENT ISTNICK – Are there any additions or corrections to be made?

COUNCIL CLERK ROLLAND – No, there are not.

COUNCIL PRESIDENT ISTNICK – Then the minutes stand approved as written.

5. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA

6. NEW AND MISCELLANEOUS BUSINESS

7. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 134 – 2021

BY: STREETS, HIGHWAYS, TRAFFIC & SAFETY COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to sign the Final Legislation with the Ohio Dept. of Transportation (ODOT), for the STA SR-93/236 11.71/0.00, PID 101417, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – Thank you, Madam President. As we discussed in the Work Session, this is basically the permission for the State to go ahead and start this project. Are there any questions from Council? It's just a formality for the State. Seeing none, I make a motion that we waive the rules requiring three readings and bring Ord. No. 134 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Creamer. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 134 – 2021 has passed. Ord. No. 135 – 2021.

ORDINANCE NO. 135 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1234 Park and Recreation Fund for The Legends of Massillon Golf Course, for the year ending December 31, 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This is an appropriation for \$31,000. It is to give funds to the golf course to take into account the added usage. Are there any questions or discussion this evening? Seeing none, I make a motion to suspend the rules requiring three readings, bringing Ord. No. 135 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 135 – 2021 has passed. Ord. No. 136 – 2021.

ORDINANCE NO. 136 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1433 Park and Recreation Capital Improvement Fund for the Massillon Recreation Center, for the year ending December 31, 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, this is an appropriation of \$400,000 for the project on the pool at the Rec. Center. Any questions or discussion? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 136 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 136 – 2021 has passed.

8. UNFINISHED BUSINESS

COUNCIL PRESIDENT ISTNICK – Mr. Bartos.

BILL BARTOS - I think you all received a copy of the letter from Atty. Runkle for Huth Concrete, so, I just wanted to make sure that it was brought to everyone's attention that the appeal has been withdrawn of the Cease and Desist order. So, if there's any questions, I can take those now.

COUNCILMAN LEWIS – So, exactly what does that mean?

BILL BARTOS – The Cease and Desist orders are actually descended because the on-site crushing activity has ceased. So, it came to our attention that the Administration confirmed that that the on-site crushing activity has ceased and it was confirmed not only by the Building Dept., but also by Mr. Runkle himself that they ceased and they do not envision any additional crushing at this time also that the equipment that was used for the crushing has been removed by Beaver Excavating which was the subcontractor doing the crushing. So, those were two critical aspects that originally led to both orders.

COUNCIL PRESIDENT ISTNICK – Anyone else? So they have removed the equipment and it's ceased and they will not continue at a later date?

BILL BARTOS – The understanding is that they do not anticipate any crushing at this time. So, if there is any crushing at a later date, that would lead to further enforcement. The current

order is related to the current crushing, the current use of the equipment; that had ceased, the equipment was moved, therefore, those orders were rescinded and then the appeal was subsequently withdrawn.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – So does that mean that all the complaints that the neighbors had have been satisfied?

BILL BARTOS – Councilman Gregg, I can't speak to that as far as what the Building Dept. has experienced. I know that I received an e-mail late today that they haven't received any additional complaints from Mr. Johnson which he sent out earlier today. So, I would say that right now as it stands, the crushing has ceased, equipment is gone, no additional complaints. Should additional complaints come in, I'm sure that it will be dealt with appropriately by the Building Dept. and the Administration, I'm sure can address those. But I just wanted to address the legal aspects of the Cease and Desist since I was copied on the letter. Thank you.

COUNCIL PRESIDENT ISTNICK – Anyone else? Thank you, Mr. Bartos.

9. PETITIONS AND GENERAL COMMUNICATIONS

10. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$ 574.40	Publication of June Ordinances
U.S. Bank Equip.	-	133.35	August Payment – Copier
		\$ 707.75	Total

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we pay the bills.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call

9 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Clerk will pay the bills and charge them to their proper accounts.

11. REPORTS FROM CITY OFFICIALS

Treasurer's Report - July 2021

COUNCIL PRESIDENT ISTNICK – Mayor, would you like to give an update? Thank you.

MAYOR CATAZARO-PERRY – Good evening, Madam President and members of Council. I'll give you a quick update this evening. We have seventy catch basins on our list, forty of those are complete and there are thirty more to go. St. Andrews; we're on Phase III of the resurfacing on the rest of Augusta Lakes. Bids are in and we will award tomorrow. Erie St. Underpass; we're still waiting on the attenuators. Everything is backed up, so, we'll hopefully

get those soon. Contract No. 1 for our resurfacing now, they finished the ADA curb ramps and catch basins. We've been able to pave Stoner, Bittersweet, Dogwood, 16th St. and Marlin Parkway. Contract 2, we're still working on the ADA requirements as well as catch basins and they're still working on the West side. Wednesday is our Pep Rally for the Massillon Tigers and that begins at 6:30 p.m. So, if you've not received an invitation, I will share that with you now. Hopefully you have received those invitations and that's all I have for you tonight. Thank you. Go Tigers!!

COUNCIL PRESIDENT ISTNICK – Thank you and go Tigers!

12. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, August 30, 2021 at 6:30 p.m. We're off the week of the 23rd because there are five Mondays in this month.

13. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS

14. CALL OF THE CALENDAR

15. THIRD READING ORDINANCE AND RESOLUTIONS

ORDINANCE NO. 121 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Sandra Doll to provide an economic development "inducement grant" to fund renovation costs including build-out, equipment, demolition, etc., at the Social @ The Stone House, located at 824 Lincoln Way E., Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. This is for a \$10,000 inducement grant for Social @ The Stone House. Is there any further discussion or concerns? Seeing none, I'd ask that we bring Ord. No. 121 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Lewis. Roll call.

9 Yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 121 – 2021 has passed. Ord. No. 122 – 2021.

ORDINANCE NO. 122 – 2021

BY: PUBLIC UTILITIES COMMITTEE

AN ORDINANCE to provide for water service to be furnished by Aqua Ohio, Inc. to the City of Massillon, Ohio and the inhabitants thereof, and to regulate the rates under which water service shall be furnished in the City of Massillon, Ohio, for and during the period from January 1, 2022 through December 31, 2026.

COUNCIL PRESIDENT ISTNICK – Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, Madam President. This is in regard to water rate increase that Aqua has requested. Any questions?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I just wanted to make one point. This is the third time that something like this has come in front of Council while I've been a member and the point I want the director to highlight is that while Aqua of Ohio provides a great service to our community this piece of legislation that comes before this body does raise the rates and I want the record to show that they never appeal to the association when a rate is presented and then an alternative path is to increase rates. Your best bet is to probably go with them; that's not a negotiation. A negotiation is a conversation back and forth. So, I just wanted to make sure that I highlighted that point in front of Council so that the record shows that this is not a negotiation; this is a rate increase that Aqua feels is fair and it is going forward.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lombardi.

COUNCILMAN LOMBARDI – Thank you, Madam President. I make a motion that we bring Ord. No. 122 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman. Roll call.

7 yes; 2 no – Lewis and Lombardi for passage

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 122 – 2021 has passed.

16. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 125 – 2021

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Mayor of the City of Massillon, Ohio, to enter into an agreement with Autumn Abbott to provide an economic development "inducement grant" to fund start-up costs including build-out, equipment, etc., at The Downtown Image, located at 50 Erie St. S., Massillon, Ohio.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 125 – 2021 has received second reading. Ord. No. 127 – 2021.

ORDINANCE NO. 127 – 2021

BY: RULES, COURTS & CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Mayor and the Director of Public Service and Safety of the City of Massillon, Ohio, to accept and enter into a collective bargaining agreement with the Massillon Professional Firefighters Association, Local #251, effective August 1, 2021 through July 31, 2024, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. This legislation, as it says, to agree to accept the collective bargaining agreement between the City of Massillon Firefighters Union and the City. As we've discussed before, if we do not do any action on this tonight, it will pass automatically in thirty days. So, are there any questions or comments? Seeing none, I make a motion that we suspend the rules requiring three readings and bring Ord. No. 127 – 2021 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 127 – 2021 has passed. Ord. No. 128 – 2021.

ORDINANCE NO. 128 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2021, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 128 – 2021 has received second reading. Ord. No. 130 – 2021.

ORDINANCE NO. 130 – 2021

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund, for the year ending December 31, 2021.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 130 – 2021 has received second reading. Ord. No. 131 – 2021.

ORDINANCE NO. 131 – 2021**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain transfers in the 2021 appropriations from within the 1100 General Fund, for the year ending December 31, 2021.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 131 – 2021 has received second reading. Ord. No. 132 – 2021.

ORDINANCE NO. 132 – 2021**BY: FINANCE COMMITTEE**

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1237 Economic Development Fund, for the year ending December 31, 2021.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 132 – 2021 has received second reading.

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

L.J. DELUCA – 2954 Veterans Blvd. S.E., Massillon, Ohio. Hello, Madam President, hello, Diane, hello everybody else here and my friends and residents of Massillon, Ohio. My e-mail is ljdeluca752@gmail.com and so far, in the last four weeks I've received 46 great responses. Now, that's Massillon, amazing. Not that I'm excited about it, but I am excited, but I just didn't expect that many in that short of time. I was flying the other day and I got back and I didn't know what a dead-heading pilot was. I was sitting next to a dead-heading pilot. But, anyhow, make a long story short, that's a pilot's repositioning for those of you that don't know, so he or she could be at the right place in his flight. I've never had that happen to me and I'm used to flying all around the country. I never held an elected office at all, my relatives all have, big jobs and district judges and mayors and so on and so forth, but I talked to a lot of leadership and this is the important thing here. Non-profit agencies in this town, I've dealt with them, we give a lot of food and money. I see Judge Elum a lot of times and a lot of good friends here to. I talked to the business leaders, some of the neighborhood leaders have their own people and you all know me; we've been talking for years. And more importantly, I've been listening to their challenges and one of them here, I even made a note of it, to ask the Mayor if we'll ever have a town hall meeting like my cousin used to have in Pittsburgh, PA. I hope we do, where the Mayor can answer these questions, even at our Massillon City Council meetings. I'd like to put it up to the Mayor, I know she can't answer that right now, but I'd like to see if we could have some town hall meetings where we can ask the Mayor something and get a straight answer and a transparent answer. I'd really appreciate that and I know a lot of people are calling me. Mayor Kathy Catazaro-Perry and Safety Service Director, Barb Sylvester, after our last Massillon City Council meeting and what we discussed there and the urgency of it, I fully

expected Mayor Kathy Catazaro-Perry and Massillon Safety Service Director, Barb Sylvester to put up temporary crossing signs at the walkway between Smiley's Restaurant, Sugar Bowl, Heck's Downtown and Sangria to get across the street there to go to Victorian Reflections, Bender's and The Root because I use that all day. I go down there all the time, maybe too much, some say, here Ted. But there's been so many close calls to death there on Lincoln Way in downtown Massillon. I thought you would get the big picture of safety. We had that meeting that was about a week ago. I believe we failed the citizens in some way. I've talked to Jason Popiel, we're going to get to it; I think we're on the right road to recovery. So, it's not just a run-down of anybody. But, I fully expected the Mayor, you took the notes and have to take care of the people of Augusta Lakes that got back with me. I know that Jason Popiel, our engineer, is taking care of it. I talked to other people too. The moths, mosquitoes, 150 trucks coming in; they're not little pebbles. Those are big things. I was over there; I drove over there. They're not going down the truck designated roads. What is this about? And according to our fine City Engineer, I talked to him tonight and he's been on the road and getting back with me. Thank you, Jason, I really appreciate that. You know what safety is. Jason Popiel, our City Engineer, as I said, by OHM Advisors, he said the resolutions are being finalized and Jason, thanks again for your extended phone calls and your help when the City of Massillon residents really need it. We're getting it resolved and I thank you for taking lead in the administration, Jason Popiel. We've got so many things; the pipes are not right at this pond. I fully expected the Mayor and the Safety Service Director to put up even more signs further down in the Augusta Lakes. I drive there all the time on Richville Dr. leading into Augusta Lakes and I know it's been about what, 18 years, 14 years? I talked to Steve Smith, I talked to a lot of people and we didn't have this problem until we had this new development and after the Parade of Homes. But even if they did, the Mayor and the Safety Service Director, they need to deal with it. They have the opportunity. Because Massillon City Council members and my residents are listening in, to fix it that night. We had a meeting August 9th, about a week ago. So, what went by was Tuesday, the 10th, Wednesday, the 11th, Thursday, the 12th, Friday, the 13th; nothing out. I don't expect the big signs, but I expected caution signs or something like that. Saturday, the 14th, nothing up there. I went down Sunday, the 15th. We're now at Monday, the 16th. Nothing has been done. I even called the Massillon Police Dept. and wanted to file a report that we can try to get somebody on. I called the Massillon Safety Service Director, Barb Sylvester's office four times. I got no response. I tried to call Charlie Hammertree, I know Charlie. Get back with me, Hammertree. He's the one that had something to do with this too. Not this; but years ago. But, our residents still have some horror stories to tell. We have death traps in downtown Massillon in our walkway that you heard everybody come up and say, including one of our own councilman, Jim Thieret's wife. It's like Jimmy; I want something done. I'm six foot, two inches, I even have it on my smartphone, these weeds; you can't see babies, cars, you can't see nothing. What is it? I talked to the Street Dept. people that are out there. I said I might get my weed wacker and I'm not making a joke about. Somebody's going to get killed there. We talked about the Streetscape III that we have coming up, if we can't take care of Streetscape I and II, how in the world are we going to take care of Streetscape III? So, they asked for more money on that. And then food trucks, I don't care if it's tacos, I don't care if it's pizza, I don't even care if it's other food. The City of Massillon, Lincoln Way, which is State Route 172, it's too small to have any food trucks on it. You can't see and finally, I talked to ODOT, which is Division IV and they handle the safety and the signs; I'm talking to Mr. Marsh. I'm going to call again if this isn't done. I'm going to call Barb Sylvester's office again, that'll be my fifth call and I'm going to work at this free handlely to get it done because safety is our number one priority and thank you, Madam President. The residents want safety too, first and foremost. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Deluca. Anyone else?

BARB BERGMAYER – I live at 1017 – 1st St. N.E., Massillon, Ohio. At the last meeting, a gentleman presented a lot of talk about safety in the city and the need for enforcement of traffic laws and speeding. That has highly discussed and I agree 100%. My street links into Rt. 21 because of the way traffic is going, the speed on that. But I'd also like to talk about Lake and Rt. 21. I talked with Barb Sylvester about two years ago about the need of a "No Turn on Red" for people traveling North on Rt. 21. She said she would like to do a survey or some kind of thing that she had to see to see if it really warranted such a sign and the next thing I know, there's a sign up there. I called her and thanked her for it and it does say "No Turn on Red". That sign is not being enforced. They've even put a second one along the shoulder of the road and it's still being ignored by travelers. Now, if you're coming across Lake Ave. going East, the traffic light at Lake and Rt. 21 is a triggered light and the one at 1st is a timed light. So, there's times when traffic is coming off Rt. 21 turning onto Lake on their own green light, it pretty much almost fills up the one block in. When the light turns red for those going onto North Rt. 21, more often than not, those on Lake Ave. going West have a green arrow so that they can go South on Rt. 21. While they've got the green arrow, there's people that will turn right on red from Rt. 21 turning onto Lake. They fill up that one block space. When the light turns green for the other people that are going East on Lake and they have to cross over Rt. 21, they cannot go all the way because it's already filled up with traffic. So, there's times when there's people that are actually going across Rt. 21 and they have to stop on Rt. 21 because they're still waiting on the timed light at 1st and Lake to turn so that traffic can clear out and so, the people on Rt. 21 when you go North, when they get a green light, they can't go anywhere because people are still blocking. There's been times when I'm traveling North on Rt. 21, I get the red light there and I stop, I want to make a right hand turn onto Lake; there's people behind me. They're beeping their horns, they're flipping me off, they even pull around me, drive on the shoulder of the road and then they continue with a right hand turn as if they had a green arrow and not a red light. I would like to see traffic enforcement. Start ticketing some of those people there and if it gets to the point where the word is getting out that they are being ticketed, maybe it won't be so bad. But that's a really bad intersection and there's a lot of traffic accidents there and if something isn't done, there's going to be even more and possibly deaths. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, ma'am. Anyone else like to address Council tonight?

SAM DAUT – I reside at 835 Cherry Rd. N.W., Massillon, Ohio. Before I get started, it wasn't on the agenda; I'm here tonight in regards to the remarks by Mr. Bartos. You do have a complaint in regards to the property in the rear of mine which is Huth Read-Mix. Back in late February, early March, I filed a petition with the City of Massillon which was given to Mr. Bartos. I have here Cease and Desist when your Law Dept. failed to shut him down. He basically appealed, that Mr. Runkle, on two separate occasions which gave Mr. Huth an additional sixty days to continue hammer-jacking. I'm not as much upset, let me tell you, I'm not as much upset with Mr. Huth or Mr. Brosnahan, I should say, the owner of Huth, the present owner who took it upon himself to move into a residential neighborhood and literally create chaos within a two-square mile radius. If you had looked at the petition which this City should have acted on, your Law Director should have basically shut him down and failed to do that. These are your orders and your laws and if you're not going to enforce them and he's not going to enforce them, what he is allowed to do which is being a ready mix company. He's continuing to pile up; he says whether he does it or not. I don't want this to chance again.

First of all, I wake up every morning, in forty-six years, I was able to open my rear doors to my shop and at least get fresh air. He may not be hammer-jacking, but every morning I have to listen to that obnoxious sound of those trucks, those backup signals and I cannot even sit on my deck in the morning anymore because of the noise that continues to go on there. This isn't over and I would really appreciate either your Law Dept. or you, Mayor, could do something because as far as I'm concerned, somebody's circumventing laws here because this man should have not been allowed to continue. And to answer your question, you have more than one complaint, trust me. Look at that petition, because there are far more people on there that had to put up with this for six solid months. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – In accordance with Division (G)(3) of Section 121.22 of the Ohio Revised Code, I move that we enter into Executive Session, to include all members of Council, the President of Council, the Clerk of Council, the Mayor, Director of Public Service and Safety, Law Director and Chief Council, Economic Development Director, for the purpose of conferencing with the Law Director and Chief Counsel to discuss pending court action involving the City of Massillon.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call.

7 yes; 2 abstained to enter into Executive Session, Council President also abstained.

Entered into Executive Session – 7:10 p.m.

Exited out of Executive Session – 7:30 p.m.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to exit Executive Session.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call.

8 yes to exit Executive Session – Herncane had left the meeting

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. We have exited Executive Session and back to our Regular Session.

18. ADJOURNMENT

COUNCIL PRESIDENT ISTNICK – Councilman Slutz.

COUNCILMAN SLUTZ – I'd like to make a motion to adjourn the meeting.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT